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PROPOSED ATTORNEYS FOR
HIGH PLAINS RADIO NETWORK, LLC,
DEBTOR AND DEBTOR IN POSSESSION

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

IN RE:	§	
	§	
HIGH PLAINS RADIO NETWORK, LLC,	§	CASE NO. 24-70089-swe11
	§	
DEBTOR.	§	EXPEDITED HEARING REQUESTED
	§	

MOTION TO MAINTAIN BANK ACCOUNTS

TO THE HONORABLE SCOTT W. EVERETT, U.S. BANKRUPTCY JUDGE:

High Plains Radio Network, LLC, debtor and debtor in possession (the “Debtor”) files this *Motion to Maintain Bank Accounts* (the “Motion to Maintain Bank Accounts”) and in support thereof would show to the Court the following.

EMERGENCY / EXPEDITED HEARING REQUESTED

1. Debtor concurrently has filed a separate motion seeking emergency and/or expedited consideration of this motion on **April 3, 2024, April 4, 2024, or April 5, 2024.**

INTRODUCTION

2. This Motion seeks authorization to maintain the pre-petition bank accounts of the Debtor, which relief the Debtor believes to be important considering the wide span of geographic locations in which the Debtor operates.

JURISDICTION AND VENUE

3. The Court has jurisdiction over this action pursuant to, and without limitation §§ 105, 363, 507, and 1101 et seq. of the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. (the “Code”).

4. Venue action is proper in this Court pursuant to 28 U.S.C. § 1409.

5. The Court may try this action to a conclusion and enter final orders under *Stern v. Marshall*, 131 S. Ct. 2594 (U.S. 2011).

FACTUAL BACKGROUND

The identity and background of the Debtor and Debtor in Possession.

6. HPRN owns and operates a chain of rural AM and FM radio stations in parts of Texas, Oklahoma, and Arkansas.

The Commencement of the Bankruptcy Cases.

7. On March 26, 2024, HPRN commenced the above-captioned Chapter 11 case by filing a voluntary petition.

8. HPRN commenced this case primarily as a result of ongoing difficulties with various tower leases and challenges in the rapidly evolving radio industry.

Factual background in support of the relief requested.

9. The Debtor maintains offices in at least four locations in three states, with radio stations and/or transmitters located in many other cities.

10. The Debtor maintains the pre-petition bank accounts (collectively, the “Subject Accounts” or each a “Subject Account”) as shown in **Exhibit H006**,¹.

11. In order to reduce disruption of the business operations of the Debtor, and taking into account the geographic challenges faced by the distant locations in which the Debtor

¹ The Debtor is consecutively numbering all exhibits throughout this case.

operates, the Debtor believes the estate would operate more efficiently if the Debtor were to maintain the Subject Accounts post-petition.

12. At no time in the prior 12 months has the balance in any of the Subject Accounts exceeded \$250,000.00.

13. At no time during the following 12-month period of time subsequent to the Petition Date is the balance of any of the Subject Accounts anticipated to exceed \$250,000.00 at any point in time.

RELIEF REQUESTED

14. Pursuant to Code §§ 105 and/or 363, the Debtor respectfully requests that it be allowed to continue to use the Subject Accounts at the existing banks without the necessity of opening separate, new debtor-in-possession accounts.

15. A proposed form of final order accompanies this Motion to Maintain Bank Accounts and is incorporated by reference herein. (The attached form was provided by the U.S. Trustee's office for the Western District of Texas.)

BASIS OF RELIEF

16. Maintenance of the Subject Accounts will greatly aid in the administration of this SubChapter V case and reduce the administrative burden upon the Debtor in opening a new bank accounts.

17. The Debtor shall ensure that each account and the checks are marked with the necessary notations reflecting the existence of this bankruptcy case.

18. Although such relief is commonly granted in larger Chapter 11 cases, such relief is also appropriate in a small business case for the same purposes of ease of the administrative

burden and continuity of operations. For example, inbound payments to the Bank account will continue to flow from customers of the Debtor without the possibility of interruption.

19. The Debtor has taken and/or will take all steps necessary to stop payment on items that could result in the unauthorized post-petition payment of pre-petition debt.

20. Maintaining the Subject Accounts also shall assist the Debtor with its unique challenges arising from its geographic dispersion of locations and personnel.

RESERVATION OF RIGHTS

21. HPRN reserves the right to amend and/or supplement this Motion prior to any hearing.

PRELIMINARY DESIGNATION OF WITNESSES AND EXHIBITS

22. HPRN designates the following as potential exhibits for any hearing on this Motion: (1) the exhibits attached to this Motion; (2) the exhibits attached to any other pleading filed in this case by HPRN; (3) any other exhibits designated by HPRN as to any other matter; (4) any exhibits designated by any other party.

23. HPRN designates the following as potential witnesses for any hearing on this Motion. (1) Monte Spearman; (2) any other witnesses designated by any other party.

NOTICE

24. HPRN through the undersigned counsel has provided notice of this Motion and the related request for an expedited hearing to the parties entitled to notice under the Federal Rules of Bankruptcy Procedure and the applicable Local Rules. Notice by email or other expedited means will be provided and/or have been provided to the extent contact information is available.

CONCLUSION AND PRAYER

WHEREFORE, High Plains Radio Network, LLC, the debtor and debtor-in-possession, respectfully requests that the Court enter an order granting the Motion to Maintain Bank Accounts and the relief requested herein. Debtor respectfully requests that the Court grant to Debtor such other and further relief to which the Debtor is entitled at law or in equity.

Dated: November 29, 2022

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth
JEFF CARRUTH (TX SBN: 24001846)
2608 Hibernia, Suite 105
Dallas, TX 75204-2514
Telephone: (713) 341-1158
Fax: (713) 961-5341
E-mail: jcarruth@wkpz.com

PROPOSED ATTORNEYS FOR
HIGH PLAINS RADIO NETWORK, LLC,
DEBTOR AND DEBTOR IN POSSESSION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on April 2, 2024 (1) by electronic notice to all ECF users who have appeared in this case to date, and/or as set forth below and (2) by regular mail to all parties appearing in the attached address list (i.e. mailing matrix).

COPIES OF THE EXHIBITS WERE NOT SERVED BY REGULAR MAIL. PLEASE CONTACT THE UNDERSIGNED IF YOU WISH TO RECEIVE THE EXHIBITS.

/s/Jeff Carruth

Jeff Carruth

ECF SERVICE LIST

24-70089-swe11 Notice will be electronically mailed to:

Jeffery D. Carruth on behalf of Debtor High Plains Radio Network, LLC

jcarruth@wkpz.com,

jcarruth@aol.com; atty_carruth@trustesolutions.com; carruthjr87698@notify.bestcase.com; ATTY_CARRUTH@bluestylus.com

Paul H. Cross on behalf of Creditor Hanmi Bank

phclease@msn.com

Julie Anne Parsons on behalf of Creditor Eastland County Appraisal District

jparsons@mvalaw.com,

kalexander@mvalaw.com; theresa.king@mvalaw.com; juanie.montalvo@mvalaw.com

Julie Anne Parsons on behalf of Creditor The County of Henderson, Texas

jparsons@mvalaw.com,

kalexander@mvalaw.com; theresa.king@mvalaw.com; juanie.montalvo@mvalaw.com

Julie Anne Parsons on behalf of Creditor The County of Stephens, Texas

jparsons@mvalaw.com,

kalexander@mvalaw.com; theresa.king@mvalaw.com; juanie.montalvo@mvalaw.com

Scott M. Seidel -SBRA V

scott@scottseidel.com, csms11@trustesolutions.net; susan.seidel@earthlink.net

United States Trustee

ustpregion06.da.ecf@usdoj.gov

REGULAR MAIL LIST

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United States Bankruptcy Court
Northern District of Texas
Dallas Division

High Plains Radio Network LLC

Case No. 24-70089

VERIFICATION OF CREDITOR MATRIX

Name	Address1	Address2	City	State	Zip
Alco	W222 N833 Chaney Rd		Waukesha	WI	53186
Alco Equipment Finance Group Inc.	W 222 N 833 Cheaney Road		Waukesha	WI	53186
American Express	PO Box 6031		Carol Stream	IL	60197-6031
Amur	304 W. 3rd St		Grand Island	NE	68801
Arrakis Automations	6604 Powell St		Loveland	CO	80537
ASCAP	250 West 57th St		New York	NY	10107
Ascentium	23970 HWY 59 Nth.		Kingwood	TX	77339
Atmos Energy	PO Box 740353		Cincinnati	OH	45274-0353
Balboa	575 Anton Blvd 12th Flr.		Costa Mesa	CA	92626
Black Hills Natural Gas	PO Box 6006		Rapid City	SD	57709
Blue Bridge	11921 Freedom Dr.		Reston VA	VA	20190
Blue Bridge Financial LLC	11921 Freedom Dr.	Suite 1130	Reston	VA	20190
Bluepeak Telephone	5100 S. Broadband Lane		Sioux Falls	SD	57108
BMI	PO Box 630893		Cincinnati	OH	45263-0893
Bryn Mawr Equipment Finance Inc.	801 Lancaster Avenue		Bryn Mawr	PA	19010
CT Corp. Sys.	Attn: SPRS	330 N Brand Blvd	Glendale	CA	91203
Channel Partners Capital	11100 Wayzata Blvd		Minnetonka	MN	55305
City of Altus	509 S Main St		Altus	OK	73521
City of Hereford	PO Box 2277		Hereford	TX	79045-2277
City of Plainview	202 W 5th		Plainview	TX	79072
City of Vernon	1725 Wilbarger St		Vernon	TX	76384-4741
Crest Capitol	PO Box 88233		Atlanta	GA	30356
Entergy Utility	PO Box 8105		Baton Rouge	LA	70891-8105
Excel Energy	PO Box 9477		Minneapolis	MN	55484-9477
Federal Communications Com.	45 L Street NE		Washington	DC	20554
Financial Agent Services	PO Box 2576		Springfield	IL	62708
First State Bank Athens	PO Box 471		Athens	TX	75751
Global Music Rights	1801 W Olympic Blvd		Pasadena	CA	91199-2280
Hammi Bank	5403 Olympic Dr. #200		Gig Harbor	WA	98335
Hansen LaPorte	14201 Memorial Dr		Houston	TX	77079
Hitachi Capital America Corp.	7808 Creekridge Circle	Suite 250	Edina	MN	55439
Internal Revenue Service	Centralized Insolvency Operation	PO Box 7317	Philadelphia	PA	19101-7317
Liberty Mutual Insurance	175 Berkeley St		Boston	MA	02116
Litefund Solutions	99 Wall St #2613		New York	NY	10005
Marlin - Peak Com.	300 Fellowship Rd		Mt. Laurel	NJ	08054
Marlin Leasing Corp	300 Fellowship Rd		Mount Laurel	NJ	08054
Media Facilities	1740 Dell Range Blvd. #418		Cheyenne	WY	82009
Meridian	367 Eagleview Blvd.		Exton	PA	19341
Meridian Equipment Finance LLC	9 Old Lincoln Highway		Malvern	PA	19355
Midland States Bank	1801 Park 270 Drive	Suite 200	St. Louis	MO	63146
Mitsubishi HC	7201 Metro Blvd. Ste 800		Edina	MN	55439
Monte Spearman	PO Box 3649		Palestine	TX	80534

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United States Bankruptcy Court
Northern District of Texas
Dallas Division

High Plains Radio Network LLC

Case No. 24-70089

VERIFICATION OF CREDITOR MATRIX

Name	Address1	Address2	City	State	Zip
New Lane Fin, B-M	801 Landcaster Ave		Bryn Mawr	PA	19010
North Arkansas Electric	PO Box 1000		Salem	AR	72576-1000
Optimum Telephone	1111 Stewart Ave.		Bethpage	NY	11714-3581
Pawnee	3801 Automation Way #207		Ft Collins	CO	80525
SBA Covid-19 Disaster Loan	PO Box 3918		Portland	OR	97208-3918
SecureNet	101 N Federal HWY Ste 601		Boca Raton	FL	33432
SESAC	PO Box 5246		New York	NY	10008-5246
Summit	4680 Parkway Dr #300		Mason	OH	45040
Summit Natural Gas	PO Box 676358		Dallas	TX	75267-6357
The Fundworks	299 S. Main St. #1300		Salt Lake City	UT	84111
Turbo Capital	2308 N Market St		Wilmington	DE	19802
TXU Utility	PO Box 650638		Dallas	TX	75265-0638
U.S. Bank Equipment Finance	1310 Madrid Street		Marshall	MN	56258
U.S. Small Business Administration	1545 Hawkins Blvd	Suite 202	El Paso	TX	79925
United First LLC	2999 NE 191st St		Miami	FL	33180
United Funding	1835 E Hollandale Beach BLVD		Hollandale Beach	FL	33009
Verizon Cell Phone	PO Box 660108		Dallas	TX	75266-0108
Vertical Bridge	750 Park of Commerce Dr #200		Boca Raton	FL	33487
Zula Com	PO Box 3649		Palestine	TX	75801

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The above-named Debtor hereby verifies that the creditors list above is true and correct to the best of the knowledge of the Debtor.

Dated: 3/29/2024

Debtor: High Plains Radio Network LLC

By: /s/ Monte Spearman
Manager / President

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PROPOSED FINAL ORDER

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	
	§	
HIGH PLAINS RADIO NETWORK, LLC,	§	CASE NO. 24-70089-swe11V
	§	
	§	
DEBTOR.	§	

**ORDER GRANTING MOTION TO MAINTAIN BANK ACCOUNTS (RE:
DOCKET NO. 13)**

On this day the Court considered the *Motion to Maintain Bank Accounts* (Docket No. 13) (the “Motion to Maintain Bank Accounts”) filed herein on April 2, 2024 by High Plains Radio Network, LLC, debtor and debtor in possession (the “Debtor”). The Debtor seeks the issuance and entry of an Order authorizing the continued maintenance of its pre-petition bank accounts as shown in the table below (collectively, the “Subject Accounts” or each a “Subject Account”) and the continued use of business forms. The Court finds that (i) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C § 157(b)(2); (iii) the relief requested in the Motion is in the best interests of the Debtor, its estate and its creditors; (iv) proper and adequate notice of the Motion has been given and that no other or further notice is necessary; (v) all objections to the Motion has been resolved by the Order or are overruled in their entirety; and (vi) upon the record herein after due deliberation thereon good and sufficient cause exists for the granting of the relief as set forth herein.

EXHIBIT H006		
Bank	Account Holder	Account ##
Guaranty Bank	High Plains Radio Network LLC	-3917
BancFirst	High Plains Radio Network, LLC dba KTAT and KYBE Radio	-0273
Cattlemens Bank	High Plains Radio Network LLC Monte L Spearman Todd Spearman	-2929
FNBC	High Plains Radio Network LLC	-8559
First State Bank	High Plains Radio Network, LLC Monte L Spearman Christopher M Quinn HPRN - Payables	-6875
Partners Bank	High Plains Radio Network, LLC	-6037
Waggoner National	High Plains Radio Network, LLC	-6715
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IT IS THEREFORE ORDERED THAT:

1. The Motion to Maintain Bank Accounts be, and it is hereby granted and approved with the following conditions.
2. The Debtor is hereby authorized and empowered to use, with the same account number, each Subject Account.
3. The Debtor is hereby authorized and empowered to continue to use their existing forms until such supply of existing forms is exhausted; but the Debtor shall clearly imprint on each form the case name and number and "Debtor in Possession." With respect to pre-printed checks, any new check stock ordered by the Debtor shall contain the "Debtor in Possession" label and case number; provided further, that with respect to checks that the Debtor prints in-house, the Debtor shall begin printing those checks with a "Debtor in Possession" designation and case number within five (5) business days of the date this Order is entered.
4. Nothing contained herein shall prevent the Debtor to opening or closing such bank accounts as it may deem necessary and appropriate, upon further motion and order.
5. The Debtor shall close pre-petition accounts, other than the Subject Account set forth herein.
6. The Debtor will provide to the Office of the United States Trustee the location and account number of any additional Debtor-in-Possession accounts opened by the Debtor.
7. The Debtor will provide the United States Trustee with sufficient evidence to show that the Subject Accounts has been styled as a Debtor-in-Possession account.

8. The Debtor, within seven (7) days from entry of this Order, shall cause a copy of this Order to be served on each bank and any other bank at which a bank account is maintained and counsel to any creditors' committee appointed in the Debtor's Chapter 11 case.

9. All institutions maintaining an account which constitute authorized depositories shall comply with the reporting requirements of the United States Trustee for such authorized depository.

10. The Debtor, on or before _____, shall provide to the United States Trustee a reconciliation for each Subject Account as of petition date, March 26, 2024.

11. At no time shall the Debtor maintain aggregate balances in the Subject Account which exceeds the federally-insured limit, currently \$250,000.00.

12. The Debtor shall attach a copy of the monthly bank statement for the Subject Account to its monthly operating reports.

13. Nothing in this Order shall preclude the Debtor or any other party in interest from seeking modification of this Order upon motion to this Court.

END OF ORDER

Submitted by:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth
JEFF CARRUTH (TX SBN: 24001846)
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